

**IN THE
SUPREME COURT OF INDIANA**

ORDER AMENDING RULES FOR SMALL CLAIMS

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, *Rule 2* of the *Rules for Small Claims* is amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Small Claims Rule 2. Commencement of Action

(A) In General. An action under these rules shall be commenced by the filing of an unverified notice of claim in a court of competent jurisdiction and by payment of the prescribed filing fee or filing an order waiving the filing fee .

(B) Form of Notice of Claim. The notice of claim shall contain; :

(1) The name, street address, and telephone number of the court; :

(2) The name, address and telephone number of the claimant and defendant(s); :

(3) The place, date and time when the parties are to appear for trial of the claim, which date shall not be less than ten (10) days nor more than forty (40) days after service of said notice of claim; :

(4) A brief statement of the nature and amount of the claim; and

(a) if the claim arises out of written contract, a copy shall be attached; however, the fact that a copy of such contract is not in the custody of the plaintiff shall not bar the filing of the claim; and

(b) if the claim is on account, an itemized statement shall be attached; :

(5) A statement that the parties may appear either in person or by an attorney; :

(6) An instruction to the defendant that the defendant should bring to the trial all documents in the possession of or under the control of the defendant concerning the claim; _

(7) A statement that if the defendant does not wish to dispute the claim he may nonetheless appear for the purpose of allowing the court to establish the method by which the judgment shall be paid; _

(8) The name, street address and telephone number of the person designated by the court with whom the defendant may communicate if defendant is unable to appear at the time or place designated in the notice; _

(9) A statement that a default judgment may be entered against the defendant if he fails to appear for trial; _

(10) Notice of the defendant's right to a jury trial and that such right is waived unless a jury trial is requested within ten (10) days after receipt of the notice of claim; that once a jury trial request has been granted, it may not be withdrawn without the consent of the other party or parties; and within ten (10) days after the jury trial request has been granted, the party requesting a jury trial shall pay the clerk the additional amount required by statute to transfer the claim to the plenary docket or, in the Marion Small Claims Court, the filing fee necessary to file a case in the appropriate court of the county; otherwise, the party requesting a jury trial shall be deemed to have waived the request.

(11) Any additional information which may facilitate proper service.

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These amendments shall take effect April 1, 2002.

The Clerk of this Court is directed to forward a copy of this order to the Clerk of each Circuit Court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners;

Indiana Judicial Center; Division of State Court Administration; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this _____ day of December, 2001.

Randall T. Shepard
Chief Justice of Indiana

All Justices concur.